



109TH CONGRESS
2D SESSION

S. _____

To require the Director of National Intelligence to release documents captured in Afghanistan or Iraq during Operation Desert Storm, Operation Enduring Freedom, or Operation Iraqi Freedom.

IN THE SENATE OF THE UNITED STATES

Mr. SANTORUM introduced the following bill; which was read twice and referred to the Committee on

A BILL

To require the Director of National Intelligence to release documents captured in Afghanistan or Iraq during Operation Desert Storm, Operation Enduring Freedom, or Operation Iraqi Freedom.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. RELEASE OF DOCUMENTS CAPTURED IN IRAQ**
4 **AND AFGHANISTAN.**

5 (a) IN GENERAL.—The Director of National Intel-
6 ligence shall make publicly available on an Internet
7 website all captured documents.

1 (b) REVIEW BY DIRECTOR OF NATIONAL INTEL-
2 LIGENCE.—The Director of National Intelligence may re-
3 view a captured document before making such document
4 publicly available under subsection (a). The Director shall
5 not be required to make a captured document publicly
6 available under subsection (a) if—

7 (1) in the case of a captured document that is
8 reviewed by the Director before the date of the en-
9 actment of this Act, the Director submits to the rel-
10 evant congressional committees a description of the
11 criteria the Director used to determine it is not ap-
12 propriate to make a captured document publicly
13 available and such captured document meets such
14 criteria; or

15 (2) in the case of a captured document that is
16 reviewed by the Director on or after the date of the
17 enactment of this Act, the Director submits to the
18 relevant congressional committees a description of
19 the criteria the Director shall use to determine if it
20 is not appropriate to make a captured document
21 publicly available and the captured document meets
22 such criteria.

23 (c) SUBMISSION OF DESCRIPTION OF NON-RE-
24 LEASED DOCUMENTS.—

1 (1) REVIEW BEFORE DATE OF ENACTMENT.—

2 Not later than 90 days after the date of the enact-
3 ment of this Act, the Director of National Intel-
4 ligence shall submit to the relevant congressional
5 committees a report containing—

6 (A) a description of each captured docu-
7 ment that, before such date, the Director deter-
8 mined should not be made publicly available;
9 and

10 (B) an explanation as to why the Director
11 does not consider it appropriate to make such
12 captured document publicly available.

13 (2) REVIEW AFTER DATE OF ENACTMENT.—

14 Not later than 30 days after the Director of Na-
15 tional Intelligence determines that a captured docu-
16 ment should not be made publicly available pursuant
17 to subsection (b)(2), the Director shall submit to the
18 relevant congressional committees a report con-
19 taining a description of such captured document and
20 an explanation as to why the Director does not con-
21 sider it appropriate to make such document publicly
22 available.

23 (3) REQUEST FOR DOCUMENT.—The Director
24 of National Intelligence shall make a copy of each
25 captured document available to the relevant congres-

1 sional committees for review upon request of the
2 Chairman of any of such relevant congressional com-
3 mittees. The Director shall make such copy available
4 in either classified or unclassified form.

5 (d) PUBLICATION OR REVIEW DATE.—

6 (1) IN GENERAL.—The Director of National In-
7 telligence shall begin making captured documents
8 publicly available pursuant to subsection (a) not
9 later than 30 days after the date of the enactment
10 of this Act.

11 (2) DOCUMENTS COLLECTED PRIOR TO DATE
12 OF ENACTMENT.—

13 (A) IN GENERAL.—Not later than the date
14 described in subparagraph (B), for each cap-
15 tured document captured or collected before the
16 date of the enactment of this Act, the Director
17 of National Intelligence shall make such cap-
18 tured document publicly available pursuant to
19 subsection (a) or shall submit to the relevant
20 congressional committees a report regarding
21 such captured document pursuant to subsection
22 (c).

23 (B) DATES.—The date described in this
24 subparagraph is—

1 (i) September 30, 2006, for captured
2 documents captured or collected during
3 Operation Enduring Freedom and Oper-
4 ation Iraqi Freedom; and

5 (ii) March 31, 2007, for captured doc-
6 uments captured or collected during Oper-
7 ation Desert Storm.

8 (3) DOCUMENTS COLLECTED AFTER DATE OF
9 ENACTMENT.—For each captured document that is
10 captured or collected on or after the date of the en-
11 actment of this Act, not later than 60 days after the
12 date on which such captured document is captured
13 or collected, the Director of National Intelligence
14 shall make such captured document publicly avail-
15 able pursuant to subsection (a) or shall submit to
16 the relevant congressional committees a report re-
17 garding such captured document pursuant to sub-
18 section (c).

19 (e) WEEKLY REPORT.—Not later than 7 days after
20 the date of enactment of this Act, and weekly thereafter
21 until each captured document captured or collected before
22 the date of the enactment of this Act is made publicly
23 available pursuant to subsection (a) or described in a re-
24 port submitted pursuant to subsection (c), the Director
25 of National Intelligence shall submit to the relevant con-

1 gressional committees a report describing the progress in
2 making captured documents publicly available.

3 (f) DEFINITIONS.—In this section:

4 (1) CAPTURED DOCUMENT.—The term “cap-
5 tured document” means a document captured or col-
6 lected in Afghanistan or Iraq, including a document
7 collected from the Government of Iraq or from a pri-
8 vate person and including a document in electronic
9 form, during Operation Desert Storm, Operation
10 Enduring Freedom, and Operation Iraqi Freedom.

11 (2) RELEVANT CONGRESSIONAL COMMIT-
12 TEES.—The term “relevant congressional commit-
13 tees” means the Permanent Select Committee on In-
14 telligence of the House of Representatives and Select
15 Committee on Intelligence of the Senate.

U.S. Senator Rick Santorum
March 9, 2006
Remarks on Project HARMONY Legislation



Mr. President, I rise today to offer remarks on legislation that I am introducing today here in the Senate.

This legislation concerns the need to release military documents and photographs recovered in Iraq and Afghanistan. Specifically, the bill requires the Director of National Intelligence to make publicly available on an Internet website documents captured in Afghanistan or Iraq during Operation Desert Storm, Operation Enduring Freedom, or Operation Iraqi Freedom.

In my conversations with President Bush and Secretary of Defense Rumsfeld, I urged that efforts to examine these documents and photographs be accelerated. With U.S. and Coalition forces actively engaged in Iraq, the analysis and release of these documents should be made a top priority within the Department of Defense.

Recently, I gave a speech at the Valley Forge Military Academy in Pennsylvania concerning ongoing military operations in Iraq and detailed why we must prevail. In my speech, I noted that U.S. and Coalition forces are fighting the forces of Islamic fascism and those who seek to overthrow the values and beliefs that civilized nations cherish. In short, this is a battle we cannot afford to lose.

By way of background, *The Weekly Standard* published several articles detailing a number of these documents and the information contained within them which “connect the dots” between Saddam Hussein and the training of Islamic terrorists. Among the points highlighted in a recent *The Weekly Standard* article:

The photographs and documents on Iraqi training camps come from a collection of some 2 million ‘exploitable items’ captured in postwar Iraq and Afghanistan. They include handwritten notes, typed documents, audiotapes, videotapes, compact discs, floppy discs, and computer hard drives...Nearly three years after the U.S. invasion of Iraq, only 50,000 of these 2 million ‘exploitable items’ have been thoroughly examined.

Many of the translated and analyzed documents were entered into a government database known as “HARMONY.” It is now four years since these documents were captured. I understand that previous requests to release information from the HARMONY database have been rejected or delayed. It is reasonable to assume that over the course of the last four years any actionable intelligence contained within these documents has already been exploited.

It is imperative that documents captured in Iraq which highlight the connections between Saddam Hussein’s brutal regime and Islamic terrorists be released as soon as possible. These documents are increasingly necessary to help the American people understand both the reasons for our involvement in Iraq and the challenge of defending freedom and democracy.

However, in the interest of national security, the bill permits the Director of National Intelligence to withhold making a document publicly available--provided he informs the relevant congressional committees of the justification for not disclosing the document.